

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

SAM AGAPETUS

CASE NO: 05-90363

Debtor(s)

CHAPTER 13

JUDGE HARRIS

NOTICE OF WITHDRAWAL OF ATTORNEY

NOW COMES WILLIAM J. BALENA, counsel for debtor and gives notice that a withdrawal as counsel is in order for the following reasons:

1. On Wednesday, July 8, 2009 this counsel received notice of a motion to convert case to a case under Chapter 7 of the Bankruptcy Code which he did not file.
2. This counsel called the attorney who filed this motion and discovered that he claims debtor hired him for the conversion, and that I have been discharged by debtor. I informed him that I have heard nothing from debtor, that I am still counsel of record, and that I am still receiving notices on the case.
3. On Monday, July 13, 2009 debtor called this office and informed me of his decision to change attorneys.

4. The motion to convert case is set for hearing July 30, 2009.
5. The attorney who filed the motion has still not entered an appearance in this case.

Therefore, William Balena notifies the court that he is no longer counsel for debtor in this matter.

Respectfully submitted,

/s/ William J. Balena

William J. Balena (0019641)
Attorney for Debtors
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CERTIFICATION

The undersigned hereby certifies that a copy of the foregoing Notice of Withdrawal of Attorney was served via e-mail and/or regular U.S. Mail this 13th day of July, 2009, to the following:

Craig Shopneck, Trustee
(via e-mail)

Sam Agapetus
5704 Rangeview Dr.
Seven Hills, OH 44131

Gordon E. Schmid
Attorney at Law
6000 Freedom Square
Freedom Square II, Suite 380
Independence, OH 44131

Respectfully submitted,

/s/ William J. Balena

William J. Balena (0019641)

Attorney for Debtors

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